

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
CANTON, OHIO

IN RE:)	CASE NO. 14-62235
)	
ANTHONY D. SEESE)	
PATRICIA A. CHRISTENSEN)	CHAPTER 13
)	
)	JUDGE RUSS KENDIG
DEBTORS)	
)	
)	<u>MOTION FOR ORDER</u>
)	<u>DECLARING MORTGAGE</u>
)	<u>PAID IN FULL</u>

Now comes the Debtors, Anthony D. Seese and Patricia A. Christensen, by and through counsel, and respectfully request the Court to enter an order pursuant to 11 U.S.C. Section 506 (c), Section 1322, and Section 1328 to determine that the payments made by the Chapter 13 trustee constitute payment in full under the plan and to order a release of the mortgage under Section 1322 upon entry of the discharge.

1. On October 14, 2014 the Debtors filed a petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.

2. This Court has jurisdiction over this motion pursuant to 11 U.S.C. Section 506 (c), 522 and Sections 1322 and 1328.

3. On or about November 2, 2007, Wells Fargo Bank, N.A., (hereinafter Creditor), obtained a mortgage against the real estate of the Debtors located at 448 County Road 1302, Polk, Ohio 44866 Permanent Parcel No. K32-007-0017-02, as evidenced by Official Records Volume 569, Page 202 filed in or about November 8, 2007 in the Ashland County Recorder's Official Records. Upon information and belief, on or about June 27, 2012, Wells Fargo assigned the mortgage to U.S. Bank National Association not in

its individual capacity but solely as Legal Title Trustee for LVS Title Trust I.

4. On December 31, 2014 the Debtors filed a Motion To Determine Secured Value and to Avoid Mortgage (Doc 30). By Agreed Order dated May 15, 2015 (Doc. 50) the Court found the secured value to be \$125,000.00 with interest at a rate of 4.45% per annum and ordered payments therein. Thereafter the payments were modified pursuant to a Modification filed on July 17, 2017 (Doc. 59). According to the Chapter 13 trustee, the mortgage holder has been paid in full and no further payments are due. A copy of the Chapter 13 final report is attached hereto as Ex.A.

5. On or about July 2019 the Debtor received the attached Exhibit B which appears to indicate that further payments are required and/or are due. The Debtors dispute that any further funds are due.

WHEREFORE, the Debtors pray for an Order determining the that the secured value of the mortgage of the Creditor has been paid in full under the Plan and any other orders or modifications entered herein and further directing cancellation and avoidance of the mortgage upon entry of the discharge and for such other relief as is just.

Respectfully submitted,

/s/Anne Piero Silagy
Anne Piero Silagy (#0030444)
1225 South Main Street
Suite 1
North Canton, Ohio 44720
Telephone: (330) 526-8221
Facsimile: (330) 526-8231

CERTIFICATE OF SERVICE

I, Anne Piero Silagy, hereby certify that the foregoing Motion and Notice of Hearing was sent by regular U.S. mail, postage prepaid, this **29th day of July, 2019** to the following:

Anthony D. Seese
Patricia A. Christensen
448 County Road 1302
Polk, OH 44866

Stanley Baumberger
Baumberger Appraisal
69 Eleanor Ave
Mansfield, OH 44906

Steven H Patterson
LERNER, SAMPSON & ROTHFUSS
Romi T. Fox, Attorney
Attorneys for Creditor
PO Box 5480
Cincinnati, OH 45201-5480

LeAnn E. Covey
4500 Courthouse Blvd.
Suite 400
Stow, OH 44224

Mary E. Krasovic
Stacey A. O'Stafy
James E. Tebbutt
David B. Bokor
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028

Christopher Tunnell
142 West Second St
Ashland, Ohio 44805

Ashland County Treasurer
142 West 2nd Street
Ashland, Ohio 44805

Ashland County Prosecuting Attorney
110 Cottage Street
Suite 3
Ashland, Ohio 44805

Bayview Financial Loan
Bankruptcy Dept
4425 Ponce De Leon Blvd 5th Fl
Miami, Florida 3314

BSI Financial Services
314 S. Franklin St
Titusville, PA 16354

Craig Jeffrey Spadafore
P.O. Box 165028
Columbus, Ohio 43216

Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, Ohio 43216-5028

US National Bank Association
P.O. Box 517
Titusville, PA 16354

Sottile & Barile
PO Box 476
Loveland Ohio 45140

US Bank Trust National Association
C/o BSI Financial Services
1425 Greenway Drive Suite 400
Irving, TX 75038

I, Anne Piero Silagy, hereby certify that the foregoing Motion and Notice of Hearing was electronically transmitted on or about **July 29, 2019** via the Court's CM/ECF system to the following who are listed on the Court's Electric Mail Notice List:

- LeAnn E. Covey bknotice@clunkhooose.com
- Adam Bradley Hall amps@manleydeas.com
- Dynele L Schinker-Kuharich DLSK@Chapter13Canton.com,
dschinkerkuharich@ecf.epiqsystems.com
- Anne Piero Silagy asilagylawfirm@neo.rr.com
- D. Anthony Sottile bankruptcy@sottileandbarile.com
- United States Trustee (Registered address)@usdoj.gov
- Toby L Rosen trose12 LWEIR@CHAPTER13CANTON.COM,
dschinkerkuharich@ecf.epiqsystems.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
CANTON, OHIO

IN RE:)	CASE NO. 14-62235
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ANTHONY D. SEESE)	
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)	JUDGE RUSS KENDIG
DEBTORS)	

NOTICE OF HEARING ON MOTION FOR ORDER DECLARING MORTGAGE PAID IN
FULL

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to approve the Motion, or if you want the court to consider your views, then on or before August 19, 2019 or your attorney must:

File with the court a written response explaining
your position at:

Clerk
U.S. Bankruptcy Court
Ralph Regula Federal Building
401 McKinley Ave SW
Canton, Ohio 44702

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Anne Piero Silagy, Esq.
1225 South Main Street
Suite 1
North Canton, Ohio 44720

Dynele L. Schinker-Kuharich
Office of the Chapter 13. Trustee
200 Market Avenue North
Suite LL30
Canton, Ohio 44702

Attend any hearing scheduled by the Court.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection .

If you or your attorney do not take these steps, the court may decide that you do not oppose the Motion and may enter an order granting the relief without further notice or hearing.

Date: July 29, 2019

/s/Anne Piero Silagy
Anne Piero Silagy
1225 South Main Street
Suite 1
North Canton, Ohio 44720

UNITED STATES BANKRUPTCY COURTNORTHERN DISTRICT OF OHIO
EASTERN DIVISIONIn re: Anthony D. Seese
Patricia A. Christensen
Debtor(s)

Case No.: 14-62235

CHAPTER 13 STANDING TRUSTEE'S FINAL REPORT AND ACCOUNT

Dynele L. Schinker-Kuharich, chapter 13 trustee, submits the following Final Report and Account of the administration of the estate pursuant to 11 U.S.C. Section 1302(b)(1). The trustee declares as follows:

- 1) The case was filed on 10/14/2014.
- 2) The plan was confirmed on 06/11/2015.
- 3) The plan was modified by order after confirmation pursuant to 11 U.S.C Section 1329 on NA.
- 4) The trustee filed action to remedy default by the debtor in performance under the plan on NA.
- 5) The case was completed on 06/25/2019.
- 6) Number of months from filing or conversion to last payment: 56.
- 7) Number of months case was pending: 57.
- 8) Total value of assets abandoned by court order: NA.
- 9) Total value of assets exempted: 360,298.94.
- 10) Amount of unsecured claims discharged without full payment: 29,603.47.
- 11) All checks distributed by the trustee relating to this case have cleared the bank.

Receipts:

Total paid by or on behalf of the debtor:	\$167,403.71	
Less amount refunded to debtor:	\$4,845.07	
NET RECEIPTS:		\$162,558.64

Expenses of Administration:

Attorney's Fees Paid Through The Plan:	\$0.00	
Court Costs:	\$0.00	
Trustee Expenses and Compensation:	\$11,406.77	
Other:	\$0.00	
TOTAL EXPENSES OF ADMINISTRATION:		\$11,406.77
Attorney fees paid and disclosed by debtor:	\$1,500.00	

Scheduled Creditors:

<u>Creditor Name</u>	<u>Class</u>	<u>Claim Scheduled</u>	<u>Claim Asserted</u>	<u>Claim Allowed</u>	<u>Principal Paid</u>	<u>Interest Paid</u>
ASHLAND COUNTY TREASURER	Secured	NA	99,999,999.99	11,750.44	11,750.44	.00
BAUMBERGER APPRAISAL & REALTY IN	Admin	NA	450.00	450.00	450.00	.00
DEBT RECOVERY SOLUTIONS	Unsecured	NA	40.00	40.00	.00	.00
DEBT RECOVERY SOLUTIONS	Unsecured	NA	150.00	150.00	.00	.00
DEBT RECOVERY SOLUTIONS	Unsecured	NA	77.46	77.46	.00	.00
DEBT RECOVERY SOLUTIONS	Unsecured	NA	152.94	152.94	.00	.00
Dell Financial Services, LLC.	Unsecured	559.00	434.15	434.15	.00	.00
NATIONAL RECOVERY	Unsecured	80.00	NA	NA	.00	.00
OCWEN LOAN SERVICING	Unsecured	19,313.00	NA	NA	.00	.00
Rushmore Loan Management Services	Secured	75,140.00	80,055.15	.00	.00	.00
U.S. Bank Trust, N.A.	Secured	107,000.00	125,000.00	125,000.00	125,000.00	13,951.43

UNITED STATES BANKRUPTCY COURTNORTHERN DISTRICT OF OHIO
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Patricia A. Christensen
Debtor(s)

Case No.: 14-62235

CHAPTER 13 STANDING TRUSTEE'S FINAL REPORT AND ACCOUNT**Scheduled Creditors:**

<u>Creditor Name</u>	<u>Class</u>	<u>Claim Scheduled</u>	<u>Claim Asserted</u>	<u>Claim Allowed</u>	<u>Principal Paid</u>	<u>Interest Paid</u>
U.S. Bank Trust, N.A.	Unsecured	15,355.92	9,355.92	9,355.92	.00	.00

Summary of Disbursements to Creditors:

	<u>Claim Allowed</u>	<u>Principal Paid</u>	<u>Interest Paid</u>
Secured Payments:			
Mortgage Ongoing:	125,000.00	125,000.00	13,951.43
Mortgage Arrearage:	.00	.00	.00
Debt Secured by Vehicle:	.00	.00	.00
All Other Secured:	11,750.44	11,750.44	.00
TOTAL SECURED:	136,750.44	136,750.44	13,951.43
Priority Unsecured Payments:			
Domestic Support Arrearage:	.00	.00	.00
Domestic Support Ongoing:	.00	.00	.00
All Other Priority:	.00	.00	.00
TOTAL PRIORITY:	.00	.00	.00
GENERAL UNSECURED PAYMENTS:	10,660.47	450.00	.00

Disbursements:

Expenses of Administration:	\$11,406.77	
Disbursements to Creditors:	\$151,151.87	
TOTAL DISBURSEMENTS:		\$162,558.64

12) The trustee certifies that, pursuant to Federal Rule of Bankruptcy Procedure 5009, the estate has been fully administered, the foregoing summary is true and complete, and all administrative matters for which the trustee is responsible have been completed. The trustee requests a final decree be entered that discharges the trustee and grants such other relief as may be just and proper.

Date: 07/25/2019By: /s/Dynele L. Schinker-Kuharich
Trustee

STATEMENT: This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. Section 1320.4(a)(2) applies.



314 S Franklin St. / Second Floor
PO Box 517
Titusville PA 16354
Customer Care: 800-327-7861
<https://myloanweb.com/BSI>

124875-6.12 1 8473-1.1 1oz



ANTHONY D. SEESE
448 COUNTY ROAD 1302
POLK OH 44866

**Mortgage Statement**

STATEMENT DATE 07/01/19

Property Address: 448 COUNTY ROAD 1302, POLK OH 44866

Account Number: 368342383

Post-Petition Payment Amount: \$489.38

This amount includes only your regular post-petition payments. It does not include any past unpaid amounts or Pre-Petition Arrears, or any fees and charges.

Explanation of Payment Amount (Post-Petition Payment)

Principal:	\$489.38
Interest:	\$0.00
Escrow (Taxes and/or Insurance):	\$0.00
Regular Monthly Payment:	\$489.38
Total Fees and Other Charges:	\$0.00
Past Unpaid Post-Petition Amounts	\$489.16
Total Amount Owed Post-Petition	\$978.53

Account Information

Outstanding Principal:	\$24,427.73
Interest Rate (Until Maturity):	4.60000%
Escrow Balance:	\$0.00
Prepayment Penalty:	NO

* The outstanding principal balance does not represent the payoff of your loan. Please see reverse for more information.

Transaction Activity (06/18/19 to 07/01/19)

* Fees and costs are being included in your transaction history and "Total Amount Owed Post-Petition" due to the fact that they have been incurred post-petition, however they are not due and owing until BSI files a Post-Petition Fee Notice, so you may withhold payment of these fees until such time as you receive a Post-Petition Fee Notice for these items.

Date	Description	Transaction Amount	Principal	Interest	Escrow	Late Charges & Fees	Unapplied Amount
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No Activity This Period

Past Payments Breakdown

	Paid Last Month	Paid Year to Date
Principal	\$0.00	\$9,475.52
Interest	\$0.00	\$2,758.98
Escrow (Taxes and/or Insurance)	\$0.00	\$0.00
Late Charges	\$0.00	\$0.00
Fees	\$0.00	\$50.78
Partial Payments (Unapplied)*	\$0.00	\$43.54
Total	\$0.00	\$12,241.72**

* Partial Payments: Any partial payments that you make may not be applied to your mortgage, but are held in a separate suspense account. If you pay the balance of a partial payment, the funds will then be applied to your mortgage.

** These amounts may not reflect payments made to a prior servicer if your loan servicing was transferred this year.

Pre-Petition Arrearage Payments

Received from Trustee Last Month	Total Received During Bankruptcy	Current Balance of Pre-Petition Arrearage
\$0.00	\$2,360.48	\$63,092.78

This box shows amounts that were past due when you filed for bankruptcy. It may also include other allowed amounts on your mortgage loan. The Trustee is sending us the payments shown here. These are separate from your regular monthly mortgage payment. These payments are reflected in your transaction activity.

Bankruptcy Message

Our records show that either you are a debtor in bankruptcy or you discharged personal liability for your mortgage loan in bankruptcy. This statement is being sent to you for informational and compliance purposes only. By law, we must send it to you. You can choose to stop receiving statements by writing to us at our address below. If your bankruptcy plan requires you to send your mortgage payments to the Trustee, you should pay the Trustee directly. If you are making post-petition payments directly to the Trustee, this statement may not accurately reflect the amount to be paid to the Trustee, and the transaction history only reflects payments received from the Trustee. Please contact the Trustee or your attorney if you have questions.

Important Messages

Keep upper portion for your records. See reverse for important information.

Please return this portion with your payment.



314 S Franklin St. / Second Floor
PO Box 517
Titusville PA 16354
Customer Care: 800-327-7861
<https://myloanweb.com/BSI>

Account Number: 368342383
Property Address: 448 COUNTY ROAD 1302, POLK OH 44866
ANTHONY D. SEESE
448 COUNTY ROAD 1302
POLK OH 44866

If your bankruptcy plan requires you to send your regular monthly mortgage payments to the Trustee, do not send your payment to us. Instead, you should send your payment to the Trustee.

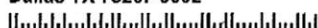
Payment Amount

Post-Petition Payment Date:	11/01/23
Post-Petition Payment Amount:	\$489.38

* All amounts due must be paid in full before additional principal reduction can be made.
Additional Principal: \$
Additional Escrow: \$

Total Amount Enclosed \$

BSI Financial Services
PO BOX 679002
Dallas TX 75267-9002



Please write your loan number on your check and make payable to:
BSI FINANCIAL SERVICES

0368342383 000007893992



4738

EXHIBIT B